

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ROCQUIN VAN GUILDER)	
)	
)	Case No. 08 C 1875
Plaintiff,)	
)	Judge Castillo
v.)	
)	Magistrate Judge Keys
)	
)	Jury Demand
WILL COUNTY STATE'S ATTORNEY)	
JAMES W. GLASGOW,)	
individually,)	
)	
Defendant.)	

JOINT INITIAL STATUS REPORT

A. Nature of the Case

1. Bases for jurisdiction, nature of claims and counterclaims.

Jurisdiction is based upon diversity of the parties and the amount claimed is as delineated in Title 28 U.S.C. §1332(a)(1).

The Plaintiff's complaint sets forth one state law count of malicious prosecution. The incident for which Plaintiff was prosecuted occurred on or about December 1, 2006 and the criminal charges brought against Plaintiff ultimately resolved in his favor on February 8, 2008. The Plaintiff suffered humiliation, damage to his reputation, fear, anxiety, pain and suffering, and monetary loss.

There are no counterclaims in this matter.

2. Relief sought by plaintiff, including computation of claimed damages, if available.

Compensatory and punitive damages.

3. Names of any parties that have not been served.

None.

4. Major Legal Issues.

- (a) Whether there was probable cause and sufficient evidence to proceed with the criminal charges against Plaintiff.
- (b) Whether Defendant has immunity for the conduct in which he allegedly engaged under the Illinois law doctrines of prosecutorial immunity, public official immunity and/or sovereign immunity.

5. Major Factual Issues.

- (a) The Plaintiff's conduct on the date of the incident.
- (b) Defendant's conduct with respect to the criminal charges against the Plaintiff.
- (c) Defendant's motives for pursuing criminal charges against the Plaintiff.
- (d) The nature and extent of the injuries and damages suffered by the Plaintiff.

6. Citations to key authorities which will assist the Court in understanding and ruling on the issues.

Defendant intends to file a motion to dismiss on the grounds that he has immunity for the alleged acts forming the basis of the Plaintiff's malicious prosecution claim. Defendant will submit a supporting memorandum citing the key authorities with respect to those issues.

B. Preparation of Drafting Schedule and Order

The parties expect to exchange Rule 26(a)(1) disclosures by July 11, 2008. The Plaintiff does not contemplate joining additional parties at this time, but requests until September 15, 2008 to do so. The parties expect that all fact discovery can be completed by December 15, 2008. The parties anticipate that the necessary fact discovery will include document discovery from and depositions of the parties, witnesses in the underlying criminal case, representatives from the Plaintiff's former employer and the Illinois Department of Transportation. At this juncture, the parties do not contemplate a need for expert discovery, except for any treaters. Depending on evidence adduced during discovery, Defendant expects to file a motion for summary judgment.

C. Trial Status

The Plaintiff has requested a jury trial. The parties anticipate that a trial in this matter would take three to five days.

D. Consent to Proceed Before a Magistrate Judge

At this time the parties do not consent to proceed before a Magistrate Judge for all proceedings including trial.

E. Settlement Status

Plaintiff requires certain discovery before tendering a settlement demand.

Respectfully submitted,

/s/ Ronak Patel

Attorney for Plaintiff

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/s/ Martin W. McManaman

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NOTICE OF FILING

To: Martin McManaman
Lowis & Gellen LLP
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Chicago, Illinois 60606

PLEASE TAKE NOTICE that on this 18th day of June 2008, I caused to be electronically filed with the Clerk of the District Court for the Northern District of Illinois the attached **JOINT INITIAL STATUS REPORT**.

/s/ Ronak D. Patel
GREGORY E. KULIS & ASSOCIATES, LTD.

CERTIFICATE OF SERVICE

PLEASE TAKE NOTICE that on the 18th day of June 2008, I, Ronak D. Patel, an attorney, served the attached document(s) upon the aforementioned address(es) by electronically filing the same with the Clerk for the U.S. District Court for the Northern District of Illinois, Eastern Division, a copy of which was then forwarded to each attorney of record.

/s/ Ronak D. Patel

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